IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 285 OF 2006

GURUDAS B. PEDNEKAR, PANAJI-GOA. ....Petitioner

Versus

MR. S. A. DESHPRABHU AND 2 ORS., ...Respondents

Mr. T. George John, U/las for the petitioner.
Mr. Sudesh Usgaonkar for respondent No.3.

Coram:- V.C. DAGA &
N. A. BRITTO, JJ.

Date:- 8th August, 2006

P.C. :

Heard learned counsel appearing for the petitioner. In addition to the submissions made by learned counsel for the petitioner; petitioner himself, who was present in the Court, was also heard in person.

In view of the dismissal of writ petition filed by the petitioner herein being Writ Petition No.301 of 2000 vide order dated 26th June, 2001 and confirmation of that order in Letters Patent Appeal No.2 of 2002 vide order dated 1st April, 2002, this fresh petition at the instance of the petitioner is not tenable. All these contentions sought to be raised by the petitioner in this petition were available to the petitioner in the earlier round of litigation. In the facts and circumstances of the case, dismissal of earlier writ petition and confirmation thereof; will not only operate as "res-judicata" but will also operate as "constructive res-judicata".

In the above view of the matter, no case is made out to entertain this petition. Petition is dismissed in limine with no order as to costs.

V.C. DAGA, J.

N. A. BRITTO, J.

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